

FACT SHEET

1. Why can't the City of Spokane prohibit cell towers in residential zones?

What local governments can and cannot require is complex. Federal law does not permit a total prohibition of cell towers in residential zones if doing so would prohibit the delivery of wireless services to that zone. The placement, construction and modification of cell towers and antennas in cities is subject to Federal statutes, laws, regulations and case law. Coupled with Federal laws are State environmental regulations and local legal requirements. The City cannot deny an application for a wireless site because of citizens' health concerns if the proposed site is in compliance with Federal Radio Frequency ("RF") emissions standards. In essence, Congress has adopted a national policy that encourages the deployment of wireless facilities and equipment, as well as the wide-spread availability of wireless services which can provide video, voice and data. As more people telecommute and work from home, the availability of broadband in residential areas becomes increasingly important. Under Federal court cases, cell phone companies have the right to close a significant gap in their own coverage. Unfortunately, the courts do not tell us what constitutes a significant gap, calling that question one that cannot be held to a particular standard. If there is a significant gap, however, the law allows the City to require that the wireless company close that gap using the least intrusive means as reasonably determined by the City which can include aesthetic considerations. The City can regulate matters such as design, location criteria, visual impact, aesthetics and zoning compliance.

2. Why is there a need for high cell towers in residential zones?

Consumers nationwide are less reliant on landline telephone service. Smartphone and tablet usage continues to result in higher demand for high-speed wireless data services. To meet that demand, providers are modifying existing sites and infrastructure and installing new facilities and equipment. Consumer usage of cell phones for video, voice and data has created a demand for coverage and capacity that has grown exponentially. Moreover, the demand for wireless service has pushed deep into residential neighborhoods. Sometimes, taller towers are necessary for customers to receive a signal and reception with good quality, and to provide fall-back coverage in areas also served by smaller cells. In other words, if the smaller cells become overloaded, then the macro site can provide redundancy. Cell phone providers typically use a combination of macro (tall-high) and micro (smaller-lower) sites to make their networks work. Cities cannot dictate technology to cell phone providers. Local governments are in the aesthetics business, not the technology business.

3. Are cell towers physically safe to be around?

Congress delegated sole authority to the FCC to set national rules and regulations to establish acceptable RF emission and safety guidelines for cell sites. The wireless carriers need to construct facilities which by law must adhere to Federal guidelines in order to promote safety.

Local governments cannot establish their own RF safety requirements, or even adopt those created by the FCC.

The FCC regulations provide a fifty (50) times safety margin between the maximum public exposure allowed, and the level where a physiological change can be measured in a person. Wireless operators commonly operate at a fraction of the maximum permitted by the FCC because to transmit with higher power will commonly cause cell site to cell site interference.

It should also be noted that ground level exposure is much less than that if someone were close to the antenna and in its transmission path. Further information can be found on the FCC's RF Safety website.

4. Why can't they eliminate large towers and utilize smaller sites instead?

Height is still an integral part of search ring signal coverage and capacity analysis. Sometimes large towers are necessary due to topography, or to provide background (fall-back) coverage in combination with "small cells" and Distributed Antenna Systems ("DAS"). The Industry has generally evolved from placing unsightly tall towers to deploying monopines and other stealthed facilities. Camouflaged facilities continue to evolve. The Industry is also moving towards small cell sites and using outdoor and indoor DAS.

5. Will any trees need to be removed to accommodate these sites?

The providers have an ongoing need for wireless sites. Tree removal will be dependent on specific locations, but generally should be avoided to the greatest degree possible. Typically, leaves will not stop signals but may reduce or slow down transmissions, resulting in some signal degradation. Greater willingness on the part of the City to make its vertical assets available potentially reduces the need for tree removal. The City will be considering what type of municipal facilities may be viable candidates to support DAS, small cells and antennas.

6. How will neighbors be notified in the future of possible cell towers and how can they participate?

The City is in the process of instituting a comprehensive software notification system this Summer. It is critical that citizen stakeholders be given the opportunity to timely weigh in on cell tower applications in residential and non-residential neighborhoods. Criteria can be developed regarding which neighbors are notified depending upon how close they will be to new cell towers. Once neighbors receive notification from the City, they can participate by e-mailing their comments to the City and take part in public meetings and hearings.

Citizen input is welcomed and encouraged during the process. It should be noted, though, that there may be a divergence of opinion on whether a particular application should be approved, denied or modified. It will then be up to the City, in accordance with applicable law, to determine whether an application meets the requisite criteria and render a decision.

7. What effect do cell tower sites have on property values?

The effect of cell tower sites on property values is an emotionally charged topic. Homeowners subjectively believe that a diminution in value is a given. Objective research seems to indicate otherwise, particularly as the distance from the cell site increases, and as time passes. Cell tower sites that are camouflaged have less effect on property values than non-stealthed, freestanding towers and poles. This ambiguity regarding property values leads to uncertainty for homeowners. While one homeowner may be concerned about aesthetics and health risks, another may welcome a cell tower because of improved coverage, capacity, network speed and improved cell service. Additionally, the effect on property values is fact specific and may vary depending upon the type of facility (cell tower, antenna site, monopine, etc.), along with its location, visual ramifications and the type of residential neighborhood. In any event, it is in residents' best aesthetic interests to minimize the number of new cell towers inside the core of residential zones by encouraging collocation among providers and expedited review processes for smaller and stealthed facilities. Further, there has been anecdotal discussion that where residences do not have good cell phone reception, this could negatively impact potential buyers' willingness to purchase homes in that area. The ability to receive and initiate phone calls, make emergency calls, and communicate with e-mails and text messages are services that people have come to expect.